

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

DANIEL LOUTH, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

NFL ENTERPRISES LLC,

Defendant.

Case No. 1:21-cv-00405

Hon. Mary S. McElroy

Hon. Patricia A. Sullivan

**JOINT STATUS REPORT**

Plaintiff Daniel Louth (“Plaintiff”) and Defendant NFL Enterprises LLC (“Defendant”) (collectively, the “Parties”) respectfully submit this joint status report pursuant to Court’s instructions at the May 26, 2023 informal discovery conference. As part of this status report, and for the reasons set forth below, the Parties respectfully request that the informal discovery conference currently set for July 24, 2023 be adjourned until September 22, 2023, or on the next date that is convenient for the Court.

1. On May 26, 2023, the Court held an informal discovery conference with the Parties regarding the ongoing discovery dispute over production of Defendant’s source code. The Court set a follow-up informal discovery conference for July 7, 2023 and afforded the Parties an opportunity to file a status report by July 5, 2023.

2. On June 30, 2023, Plaintiff served his third document production on Defendant. The document production included two reports prepared by Plaintiff’s expert witness concerning his analysis of the NFL mobile application conducted on September 1, 2021 and May 24, 2023. Plaintiff also prepared a letter for Defendant asking to meet and confer regarding the reports and requesting additional information from Defendant regarding the analyses of the NFL mobile

application that Defendant conducted.

3. On July 5, 2023, the Parties filed a status report, requesting that the Court adjourn the July 7, 2023 Status Conference in light of these discovery developments (ECF No. 32). The next day, the Court entered an Order adjourning the Status Conference until July 24, 2023.

4. On July 7, 2023, counsel for Defendant identified the NFL employees who conducted the analyses produced by Defendant. Further, on July 12, 2023, Defendant made an additional document production. Defendant believes its document production is almost complete.

5. Plaintiff intends to depose at least one of the employees responsible for the analyses produced by Defendant. The Parties are currently working to schedule that deposition. Further, Plaintiff is still reviewing Defendant's document production, and Defendant is still reviewing Plaintiff's document production. The Parties believe these developments will clarify the scope or necessity of the ongoing discovery dispute over the source code.

6. Accordingly, the Parties respectfully request that the informal discovery conference currently set for July 24, 2023 be adjourned until September 22, 2023, or on the next date that is convenient for the Court.

Respectfully submitted,

Dated: July 21, 2023

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Dated: July 21, 2023

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**CERTIFICATE OF SERVICE**

I, Stephen M. Prignano, hereby certify that on July 21, 2023, a true and accurate copy of the foregoing document was filed electronically with the clerk of court via CM/ECF, which will then send a notification of such filing to all counsel of record and those who have registered for notice.

/s/ Stephen M. Prignano  
Stephen M. Prignano